

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LIBERTY HARBOR COFFEE INC., a/k/a
BREWSHOT and NYNJ COFFEE2 LLC, a/k/a
JERSEY SOCIAL,

Plaintiffs,

-against-

MAGGIE MOSS and MOSS BUSINESS
CONSULTING LLC,

Defendants.

Case No. 1:25-cv-01335 (JLR)

ORDER

JENNIFER L. ROCHON, United States District Judge:

On February 14, 2025, this action was removed from the Supreme Court of the State of New York, County of New York, by Defendants Maggie Moss and Moss Business Consulting, LLC (together, the “Defendants”). *See* Dkt. 1 (“Notice of Removal”). Defendants assert that jurisdiction in this Court is proper by reason of diversity of citizenship, pursuant to 28 U.S.C. § 1332. *See* Notice of Removal at 2. Defendants allege that Plaintiff Liberty Harbor Coffee, Inc. is a New Jersey corporation with its principal place of business located in New Jersey; Plaintiff NYNJ COFFEE2 LLC is a New Jersey limited liability company with its principal place of business in New Jersey; Defendant Moss is a domiciliary of the State of Colorado; and Defendant Moss Business Consulting LLC is a New York limited liability company with its principal place of business in New York. *See* Notice at 2-3.

It is well established that a limited liability company (“LLC”) is deemed to be a citizen of each state of which its members are citizens. *See, e.g., Handelsman v. Bedford Vill. Assocs. L.P.*, 213 F.3d 48, 51-52 (2d Cir. 2000). Thus, a notice of removal premised upon diversity of citizenship must allege the citizenship of natural persons who are members of an LLC and the place of incorporation and principal place of business of any corporate entities


that are members of the LLC. *See id.*; *see also, e.g., In re Bank of Am. Corp. Sec. Derivatives and ERISA Litig.*, 757 F. Supp.2d 260, 334 n.17 (S.D.N.Y. 2010); *Lewis v. Allied Bronze LLC*, No. 07-cv-1621 (BMC), 2007 WL 1299251, at *1-2 (E.D.N.Y. May 2, 2007) (remanding removed action for lack of diversity jurisdiction).

Accordingly, it is hereby ORDERED that, **on or before February 25, 2025**, Defendants shall amend their Notice of Removal to allege the citizenship of each constituent person or entity comprising Plaintiff NYNJ Coffee2 LLC and Defendant Moss Business Consulting LLC (including the state of incorporation and principal place of business of any corporate entity member). If, by that date, the Defendants are unable to amend their Notice of Removal to truthfully allege complete diversity of citizenship, then the action will be remanded to the Supreme Court of New York, New York County, without further notice to either party.

Finally, Defendants are directed to, **within two business days of this Order**, serve on Plaintiffs a copy of this Order and to file proof of such service on the docket. Counsel for Plaintiffs is directed to file a notice of appearance on the docket **within two business days of such service**.

Dated: February 19, 2025
New York, New York

SO ORDERED.



JENNIFER L. ROCHON
United States District Judge